

DISTRICT II ADVISORY BOARD

Minutes – April 15, 2002

The District II Advisory Board meeting was held at 7 p.m. at the Rockwell Branch Library, 5939 E. 9th Street North. There were approximately 35 citizens in attendance.

Members Present

David Babich
Martha Bruce Fair
Michele Chauncey
Charlotte Foster
Larry Frutiger
John Fuller
Tim Goodpasture
Shirley Jefferson
Joe Johnson*
Mike Jones
Kathy Wegner

Members Absent

Kevin Bright*
Mike Pompeo

Guests

Ellen Beren
Terry Cassady
Jeanne Dailey
Vince Dailey
M.R. Donaldson
Roger Ellis
Rob Hartman
Jody Haugen
Jack Hull
Mary Pat Hull
Bob Kaplan
Don Reinert
Pam Thompson
Max Weddle
Ingra Williamson
Steve Williamson

Staff

Donna Goltry, MAPD
Bill Longnecker, MAPD

Council Member Joe Pisciotte called the meeting to order at 7:00p.m.

Larry Frutiger (Jefferson) moved the agenda be approved as amended to defer item two until the May 6, 2002 DAB II meeting. The motion passed 10-0.

No items were submitted for the public agenda, new business, unfinished business agenda, or the traffic agenda.

PLANNING AGENDA

1. CON 2002-00011

Bill Longnecker, MAPD, presented this application for renewal of CU-500, which permits a used car sales lot, located on the southeast corner of the Harry & Rock Road intersection, 8001 E. Harry, part of Lot 1, Silver Spur East Addition.

Longnecker described the request and responded to questions. Mr. Longnecker explained that MAPD staff recommended approval of the conditional use subject to conditions listed in the MAPD staff report.

Harold Hackney, Cedar Lakes Condominiums, expressed concern with the appearance of the car lot and the need for increased landscaping.

Kathy Wegner, DAB II, lives near this location and is also concerned with current landscaping. **Wegner** asked who enforces landscaping provisions associated with the car lot.

Longnecker replied that the Office of Central Inspection enforces these provisions and the current landscaping is not in compliance. The new owner/operator of the car lot will be responsible for bringing the car lot into compliance.

David Babich, DAB II, stated condition 11 of the MAPD staff report could be used to render the Conditional Use null and void if the landscaping was not in compliance.

Mike Jones, DAB II, asked what the procedure would be to revoke the conditional use.

Donna Goltry replied a court action would be necessary pursuant to the Code of the City of Wichita.

Council Member Joe Pisciotte suggested the DAB informally monitor the car lot to ensure compliance.

Michele Chauncey asked if the conditional use could cease if there was a change in ownership.

Longnecker replied typically a conditional use is attached to the property and not the property owner, but the DAB could recommend the conditional use terminate with a change in ownership.

Vice-Mayor closed public comment and asked the DAB for a recommendation.

Kathy Wegner (Chauncey) moved the MAPD recommendation be approved with the following conditions: 1) the **conditional use be approved for a five-year period**; 2) **the conditional use should terminate with any changes in ownership and the owner shall comply with landscaping requirements as determined by MAPD**. The motion passed (10-0).

Action Taken: DAB II recommended approval of the MAPD staff report subject to conditions.

2. **CUP 2002-00008**

DEFERRED UNTIL MAY 6, 2002

3. **ZON 2002-00015 &CUP 2002-00007**

Donna Goltry, MAPD, presented this requested zone change from GO to LC for the purpose of commercial development, and an accompanying CUP amendment to remove the office and commercial zoned property from the residential DP 210 and combine them with the commercial property in DP 200, generally located south of 21st Street North and west of Webb Road.

Goltry described the request and responded to questions. Ms. Goltry explained that MAPD staff recommended approval of the zone change and CUP amendment subject to conditions listed in the MAPD staff report.

Rob Hartman, agent for Legacy Park LLC, discussed the development plan and explained the specifics of the request. Mr. Hartman presented the site plan for the office park and stated that Tallgrass, Peppertree, and Bent Tree, developments located adjacent to Legacy Park support the requested changes. Legacy agrees with the MAPD recommendations except for the setback requirements. MAPD is suggesting a 50 ft. building setback on the southern property line. The applicant supports a 35 ft. building setback on the southern property line.

Goltry added that MAPD would support a 35 ft. setback if there were no service drives or openings along the south wall of the retail building.

Bob Kaplan, agent for Clubhouse Villas, submitted a set of covenants between Clubhouse Villas and Legacy Park LLC that he'd like to have recognized by the DAB. Kaplan stated that with the acceptance of the terms of these covenants by Legacy Park LLC, Clubhouse Villas has agreed to no oppose the request.

Larry Frutiger asked if the covenants are in agreement with the CUP and the MAPD staff report.

Kaplan stated the covenants supplement the CUP and MAPD staff report.

David Babich asked if the lighting could be placed on the building instead of poles.

Hartman replied that placing the lights on poles would allow the light to be directed away from the adjacent residential areas.

Roger Ellis stated the Eastminster Presbyterian Church was not notified of these requests.

Chauncey asked how long were the requested zone change notification signs posted.

Hartman replied the required signs were posted 13 days prior to the meeting date.

Martha Bruce Fair declared a conflict of interest and she would abstain from voting.

Vice-Mayor closed public comment and asked the DAB for a recommendation.

David Babich (Jones) moved the staff recommendation be approved as submitted, excluding the covenants submitted by Clubhouse Villas. The motion passed (9-0)

Action Taken: DAB II recommended approval of the requests subject to the recommendations listed in the MAPD staff report. Bruce-Fair declared a conflict of interest and abstained.

4. **ZON 2002-00018 AND CUP 2002-00010 DP-260**

Donna Goltry, MAPD, presented this request to create DP-260, Wilson Estates Medical Park. Generally located south of Wilson Estates Parkway and west of Webb Rd.

Goltry described the request and responded to questions. Ms. Goltry explained that MAPD staff recommended approval of the zone change and CUP amendment subject to conditions listed in the MAPD staff report.

Rob Hartman, agent for Legacy Park LLC, discussed the development plan and explained the specifics of the request. Mr. Hartman presented the site and traffic plans for this development. Hartman expressed concern with the MAPD traffic and signage recommendations listed in the MAPD staff report.

Bob Kaplan, agent for Clubhouse Villas, detailed meetings between the applicant and Clubhouse Villas. Kaplan submitted a set of covenants between Clubhouse Villas and Legacy Park LLC that he'd like to have recognized by the DAB. These covenants supplement the conditions listed in the MAPD staff report. Kaplan stated that with the acceptance of the terms of these covenants by Legacy Park LLC, Clubhouse Villas has agreed to not oppose the request.

Citizens in attendance were given the opportunity to express their concerns with the project. These concerns included: 1) direction of lighting; and 2) lack of meeting notification; 3) signage; 4) traffic flow; 5) lack of need for additional commercial zoning; and 6) the effect this development will have on nearby residential property values.

Representatives of the Foliage Development HOA submitted a petition opposing the CUP and zone change.

Vice-Mayor closed public comment and asked the DAB for a recommendation.

Michele Chauncey (Jefferson) moved to recommended approval of the requests as detailed in the MAPD staff report, and recommended that the applicant meet with City of Wichita traffic engineering staff to address traffic concerns. DAB II also suggests further meetings between the applicant and representatives of nearby residential developments and Eastminster Presbyterian Church. The motion passed (8-1).

Frutiger voted against approving the request due to insufficient notice. Bruce-Fair declared a conflict of interest and abstained.

Action Taken: The DAB Members recommended approval of the MAPD staff recommendation pending suggested meetings between the applicant and City of Wichita traffic engineering staff and further meetings between the applicant and representatives of nearby residential developments and Eastminster Presbyterian Church. Bruce-Fair declared a conflict of interest and abstained.

With no further business the meeting adjourned at 10:00.

Respectfully submitted,

Donte Martin
Neighborhood Assistant
District II